

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

SPARTAN GROUP HOLDINGS, LLC,
et al,

Debtor.

§
§
§
§
§
§
§
§

Case No. 23-42384

Chapter 11

**ORDER GRANTING MOTION OF CADRE ATX LLC (I) TO ENFORCE
JOINT CHECK AGREEMENTS AND DIRECT FUNDS TO POTENTIAL
LIEN CLAIMANTS AND/OR (II) OBTAIN RELIEF FROM PRIOR
ORDER TO PAY POTENTIAL LIEN CLAIMANTS (RE: DOCKET NO.
57, 110)**

On this day came on for consideration the *Motion of Cadre ATX LLC (I) to Enforce Joint Check Agreements and Direct Funds to Potential Lien Claimants and/or (II) Obtain Relief From Prior Order to Pay Potential Lien Claimants* (Docket No. 110) (the “Motion”) filed herein on January 23, 2024 by Cadre ATX, LLC, general contractor, creditor, and party in interest (“Cadre”). The Court finds and concludes that the Motion contained the appropriate notices under the Bankruptcy Local Rules; according to the certificate of service attached to the Motion, the Motion was served upon the parties entitled to receive notice under the Bankruptcy Local Rules; and that upon review of the record of this case and with respect to the Motion that cause exists to grant the relief requested therein.

IT IS THEREFORE ORDERED THAT:

1. The Motion is granted as set forth herein.
2. All capitalized terms shall have the same meaning as ascribed to such terms in the Motion, unless otherwise defined herein.

3. Cadre is relieved of the obligations of the Payments Order (Docket No. 57) with respect to any claims of suppliers and/or subcontractors that may be asserted against the Project,
4. Spartan Concrete Construction LLC immediately and not later than three (3) business days after presentment by Cadre shall execute and deliver to Cadre any necessary joint check agreement checks, lien release, and/or lien waivers necessary to direct payment to the appropriate suppliers and/or subcontractors for construction trust funds that should be paid to such parties in relation to, and/or which may assert statutory lien claims against the Project.
5. In the event that the Debtor fails or refuses to provide the documents required above within the three business day window, Cadre may make direct payments to the appropriate suppliers and/or subcontractors of amounts that are owed by the Debtor to the appropriate suppliers and/or subcontractors for the Project and thereby obtain the necessary lien waivers and/or lien releases for the benefit of the Owner, Cadre, and the Debtor, and Cadre then may set off and deduct such amounts from any amounts that may be due and owing from Cadre to the Debtor. Cadre will provide notice to the Debtor of any such direct payments and set offs/deductions made.
6. The Court shall retain jurisdiction to enforce this Order.

Dated: _____

THE HONORABLE BRENDA T. RHOADES
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

Jeff Carruth (TX SBN: 24001846)
WEYCER, KAPLAN, PULASKI & ZUBER, P.C.
2608 Hibernia, Suite 105
Dallas, Texas 75204-2514
Telephone: (713) 341-1158
Fax: (713) 961-5341
E-mail: jcarruth@wkpz.com

ATTORNEYS FOR CADRE ATX LLC